

Message

---

**From:** Braschayko, Kelley [braschayko.kelley@epa.gov]  
**Sent:** 12/15/2020 9:59:55 PM  
**To:** Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; Beck, Whitney [beck.whitney@epa.gov]  
**CC:** Aguirre, Janita [Aguirre.Janita@epa.gov]  
**Subject:** RE: draft FL final rule for review  
**Attachments:** FRN HQ Good Cause Final Rule 12.15.2020\_clean.docx

Hi Mindy,

I ran a compare between the IO-edited version and your version which required me to either accept or reject all of the redline edits on the compare document. I believe I caught everything – your IBR additions and our edits from IO – but please review this version and make sure that it is wholly accurate. If you have any questions, just let me know.

Thank you,

Kelley E. Braschayko  
Program Analyst  
Office of Water  
U.S. Environmental Protection Agency  
(202) 564-6239  
Pronouns: she/her/hers

---

**From:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Sent:** Tuesday, December 15, 2020 4:11 PM  
**To:** Aguirre, Janita <Aguirre.Janita@epa.gov>  
**Cc:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Braschayko, Kelley <braschayko.kelley@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Trombley, Michael <Trombley.Michael@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Weiler, Katherine <Weiler.Katherine@epa.gov>  
**Subject:** RE: draft FL final rule for review

One more thing, I didn't think the IO had edited it. When I spoke to Jess the other day, I recommended holding off on editing once we learned about the IBR requirements. Did you have edits?

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
Cell - Ex. 6 Personal Privacy (PP)  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Aguirre, Janita <Aguirre.Janita@epa.gov>  
**Sent:** Tuesday, December 15, 2020 4:08 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Cc:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Braschayko, Kelley <braschayko.kelley@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Trombley, Michael <Trombley.Michael@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Beck, Whitney

<[beck.whitney@epa.gov](mailto:beck.whitney@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Weiler, Katherine <[Weiler.Katherine@epa.gov](mailto:Weiler.Katherine@epa.gov)>

**Subject:** Re: draft FL final rule for review

Thanks Mindy. Did you happen to grab the IO edited FRN from CMS, or is there now version control to work through?

Let us know so we can adjust if needed.

Thank you,  
Janita

Sent from my iPhone

**Janita Aguirre – Chief of Staff**

U.S. Environmental Protection Agency - Office of Water

Phone: (202) 566-1149

Email: [aguirre.janita@epa.gov](mailto:aguirre.janita@epa.gov)

On Dec 15, 2020, at 3:57 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)> wrote:

DELIBERATIVE

Hi All,

We have updated the earlier draft of the FRN final rule to codify Florida's regulations based on discussions with the OFR, OP, and OGC. A couple of explanations as you review. We have incorporated capitalizations, etc. from the R4 FRN and used the latest covid information on dockets. This final rule incorporates by reference (IBR) Florida's regulations which requires various processes and procedures according to OFR's IBR handbook. For IBR in this rule, we are using the "notebook" or "compilation" approach that was recently used for Michigan UIC from OGWDW, per OFR recommendations. As required by the OFR for obtaining the director's approval before the final rule is signed, we've created a compilation of IBR to send to OFR rather than individual regulations and statutes. The FL regs and statutes don't all have descriptive metadata required by OFR, so the compilation approach allows the Agency to add that metadata.

I am able to sign the transmittal letter to the director of the OFR, so I'm attaching both a pdf and a Word version, which the handbook requires. Once we have any comments from you all on the draft FRN, we will need the two versions of my letter, the draft FRN and the notebook to be transmitted to OP so they can send it to the OFR.

Please let me know if you have any questions.

Thanks!  
Mindy

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460

Cell - **Ex. 6 Personal Privacy (PP)**  
eisenberg.mindy@epa.gov

<FRN HQ Good Cause Final Rule- 12-15-2020.docx>

<IBR Letter\_FL 404 Rule\_12-15-2020.docx>

<Draft IBR Notebook Compiled\_FL 404 Notebook\_v2\_12-14-2020.pdf>

<signed IBR Letter\_FL 404 Rule\_12-15-2020.pdf>